

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GLAXO GROUP LIMITED,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-171-KAJ
)	
TEVA PHARMACEUTICALS USA, INC.)	
and TEVA PHARMACEUTICAL)	
INDUSTRIES LIMITED,)	
)	
Defendants.)	

SECOND AMENDED SCHEDULING ORDER

At Wilmington, this 22nd day of May, 2006,

IT IS ORDERED that the Court's Scheduling Order dated August 5, 2004 (D.I. 24) and Amended Scheduling Order dated December 13, 2005 (D.I. 75) are amended as follows:

1. Expert Testimony. Depositions of expert witnesses shall be completed on or before June 30, 2006.
2. Case Dispositive Motions. All case dispositive motions, an opening brief, and affidavits, if any, in support of the motion shall be served and filed on or before June 30, 2006; answering briefs shall be filed on or before July 28, 2006; and reply briefs shall be filed on or before August 25, 2006.
3. Claim Construction Issue Identification. If the Court does not find that a limited earlier claim construction would be helpful in resolving the case, on June 15, 2006, the parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction and their proposed claim construction of those term(s)/phrase(s).

This document will not be filed with the Court. Subsequent to exchanging that list, the parties will meet and confer to prepare a Joint Claim Construction Chart to be submitted pursuant to paragraph 12 below. The parties Joint Claim Construction Chart should identify for the Court the term(s)/phrase(s) of the claim(s) in issue, and should include each party's proposed construction of the disputed claim language with citation(s) only to the intrinsic evidence in support of their respective proposed constructions. A copy of the patent(s) in issue as well as those portions of the intrinsic record relied upon are to be submitted with this Joint Claim Construction Chart. In this joint submission, the parties shall not provide argument.

4. Claim Construction. Issues of claim construction shall be submitted to the Court no later than June 30, 2006, to be considered by the Court in conjunction with the parties' summary judgment motions. Answering briefs shall be filed on or before July 28, 2006.

5. Hearing on Claim Construction. Beginning at 2:00 p.m. on September 7, 2006, the Court will hear evidence and argument on claim construction and summary judgment.

14. Applications by Motion. Except as otherwise specified herein, any application to the Court shall be by written motion filed with the Clerk. Unless otherwise requested by the Court, counsel shall not deliver copies of papers or correspondence to Chambers. Any non-dispositive motion should contain the statement required by Local Rule 7.1.1.

15. Pretrial Conference. On February 5, 2007, the Court will hold a Final Pretrial Conference in Chambers with counsel beginning at 4:00 p.m. Unless otherwise

ordered by the Court, the parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3).

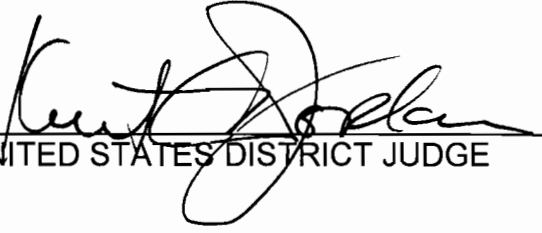
The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before January 5, 2007.

16. Motions *in Limine*. Motions *in limine* shall not be separately filed. All *in limine* requests and responses thereto shall be set forth in the proposed pretrial order. Each party shall be limited to five *in limine* requests, unless otherwise permitted by the Court. The *in limine* request and any response shall contain the authorities relied upon; each *in limine* request may be supported by a maximum of five pages of argument and may be opposed by a maximum of five pages of argument. If more than one party is supporting or opposing an *in limine* request, such support or opposition shall be combined in a single five (5) page submission, unless otherwise ordered by the Court. No separate briefing shall be submitted on *in limine* requests, unless otherwise permitted by the Court.

16. Jury Instructions, Voir Dire, and Special Verdict Forms. Where a case is to be tried to a jury, pursuant to Local Rules 47 and 51 the parties should file proposed voir dire, instructions to the jury, and special verdict forms and jury interrogatories three full business days before the final pretrial conference. That submission shall be accompanied by a computer diskette (in WordPerfect format) which contains the instructions, proposed voir dire, special verdict forms, and jury interrogatories.

17. Trial. This matter is scheduled for a 10 day bench trial beginning at 9:30 a.m. on March 5, 2007. For the purpose of completing pretrial preparations, counsel should plan on each side being allocated a total of 30 hours to present their case.

All other deadlines as set forth in the Court's Scheduling Order dated August 5, 2004 (D.I. 24) and Amended Scheduling Order dated December 13, 2005 (D.I. 75) shall remain in effect.


UNITED STATES DISTRICT JUDGE